



House of Representatives

General Assembly

File No. 37

January Session, 2003

Substitute House Bill No. 6211

House of Representatives, March 18, 2003

The Committee on Labor and Public Employees reported through REP. RYAN, of the 139th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE ESTABLISHMENT OF WRITTEN ERGONOMICS POLICIES FOR THE WORKPLACE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-40v of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) In order to promote health and safety in places of employment in
4 this state, each employer of twenty-five or more employees in this
5 state, including the state and any political subdivision of the state, and
6 each employer whose rate of work related injury and illness exceeds
7 the average incidence rate of all industries in this state, shall
8 administer a safety and health committee in accordance with
9 regulations adopted pursuant to subsection (b) of this section. For
10 purposes of this subsection, "incidence rate" means the number of
11 federal Occupational Safety and Health Administration recordable
12 injuries and illnesses per one hundred full-time employees.

13 (b) The chairman of the Workers' Compensation Commission, in
14 consultation with the Labor Commissioner and in accordance with the
15 provisions of chapter 54, shall adopt regulations to carry out the
16 provisions of this section. The regulations shall (1) prescribe the
17 membership of safety and health committees to ensure representation
18 of employees and employers; (2) specify the frequency of committee
19 meetings; (3) require employers to make, file and maintain adequate
20 written records of each committee meeting subject to inspection by the
21 chairman or [his] an authorized designee; (4) require employers to
22 compensate employee representatives at their regular hourly wage
23 while the employee representatives are engaged in safety and health
24 committee training or are attending committee meetings; (5) prescribe
25 the duties and functions of safety and health committees, which shall
26 include (A) establishing procedures for workplace safety inspections
27 by the committee, (B) establishing procedures for investigating all
28 safety incidents, accidents, illnesses and deaths, (C) evaluating
29 accident and illness prevention programs, (D) establishing training
30 programs for the identification and reduction of hazards in the
31 workplace which damage the reproductive systems of employees, and
32 (E) establishing training programs to assist committee members in
33 understanding and identifying the effects of employee substance abuse
34 on workplace accidents and safety; and (6) prescribe guidelines for the
35 training of safety and health committee members.

36 (c) Notwithstanding the provisions of this section, each employer
37 who, on July 1, 1993, has an existing health and safety program or
38 other program determined by the chairman of the Workers'
39 Compensation Commission to be effective in the promotion of health
40 and safety in the workplace, shall not be required to comply with
41 subsections (a) and (b) of this section. The chairman of the Workers'
42 Compensation Commission, in consultation with the Labor
43 Commissioner, shall adopt regulations, in accordance with the
44 provisions of chapter 54, establishing the criteria for evaluating such
45 programs.

46 (d) Each employer required to administer a safety and health

47 committee pursuant to subsection (a) of this section or that has an
48 existing health and safety program or other program that falls within
49 the exemption set forth in subsection (c) of this section, shall:

50 (1) Review and analyze its injury and illness records, including, but
51 not limited to, records of injuries to employees required under section
52 31-316, federal Occupational Safety and Health Act log forms, first aid
53 logs and records of employee complaints or grievances, to determine
54 whether there is a pattern of ergonomic-related injuries or illnesses in
55 certain jobs or work tasks, provided no such review or analysis shall
56 involve the disclosure of the identity of the employees affected by such
57 injuries or illnesses;

58 (2) Review and analyze jobs or work tasks to identify potential
59 ergonomic problems and to determine if certain jobs or work tasks
60 present ergonomic risks that may contribute to musculoskeletal
61 disorders;

62 (3) Seek employee input about the existence of ergonomic problems
63 related to particular jobs or work tasks by reviewing employee
64 complaints about work-related musculoskeletal disorders,
65 interviewing employees, conducting symptom surveys or distributing
66 employee questionnaires; and

67 (4) Develop a written ergonomics policy setting forth (A)
68 procedures for the employer and its employees to jointly evaluate the
69 extent and causes of any work-related ergonomic problems and to
70 make improvements in job design or other causative factors in order to
71 prevent or minimize such problems, (B) procedures for providing
72 ergonomics training to the employer and its employees in order to
73 prevent or minimize musculoskeletal disorders, and (C) incentives for
74 employees to report early symptoms of musculoskeletal disorders in
75 order to prevent or minimize incapacity or disability through early
76 conservative medical treatment and ergonomic interventions.

This act shall take effect as follows:
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Section 1	October 1, 2003
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Statement of Legislative Commissioners:

In subsection (c), references to subsections (a) and (b) were added for clarity and consistency with the provisions of new subsection (d).

LAB *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Workers' Compensation Com.	WCF - Cost	Potential Minimal	Potential Minimal
Various	Various - Cost	Potential Minimal	Potential Minimal

Note: WCF=Workers' Compensation Fund

Municipal Impact:

Municipalities	Effect	FY 04 \$	FY 05 \$
All Municipalities	STATE MANDATE - Cost	Potential Minimal	Potential Minimal

Explanation

This bill requires employers with 25 or more employees, including the state and all its political subdivisions, and employers with a higher than average injury rate to develop a written ergonomics policy. It also requires employers to review injury and illness records, review jobs and work tasks, and to seek employee input about ergonomics problems.

The Workers' Compensation Commission's Safety and Health Services division currently reviews private sector employer's safety and health committees. Employers are required to file Safety and Health committee reports with the Workers' Compensation Commission (WCC). The bill will add additional responsibilities to the employer's safety and health committees, which will result in a

workload increase to the WCC. The WCC¹ may incur minimal costs if the new ergonomics related responsibilities lead to increased visitations to employer facilities by the WCC's Safety Program Officers.

For each state agency with more than 25 employees that has a safety and health committee, there will be a workload increase to those to create a written ergonomics policy. To the extent that each state agency implements ergonomics related job improvements and training, additional costs would result.

This bill will have a minimal fiscal impact on municipalities as it adds another requirement to the responsibilities of municipalities' safety and health committees.

¹ The Workers' Compensation Commission is funded by the Workers' Compensation Fund, which is financed through annual assessments on companies that issue workers' compensation insurance and on various self-insured entities.

OLR Bill Analysis

sHB 6211

**AN ACT CONCERNING THE ESTABLISHMENT OF WRITTEN
ERGONOMICS POLICIES FOR THE WORKPLACE****SUMMARY:**

This bill requires employers with 25 or more employees and those that have a higher than average injury rate to:

1. develop an ergonomics policy setting procedures for (a) improvements in job design and employee training to minimize injuries and (b) incentives for employees to report early symptoms of disorders,
2. review their injury and illness records to determine whether there is a pattern of ergonomics-related injuries,
3. review jobs and work tasks to determine if they contribute to musculoskeletal disorders, and
4. seek employee input about ergonomics problems related to work activities.

EFFECTIVE DATE: October 1, 2003

ERGONOMICS POLICY

The bill requires each covered employer, including the state and all its political subdivisions, to develop a written ergonomics policy that sets procedures for:

1. the employer and employees jointly to evaluate the extent and causes of any work-related ergonomics problems,
2. making improvements in job design or other causative factors to prevent or minimize such problems,
3. providing training to the employer and employees to prevent or minimize musculoskeletal disorders,

4. providing incentives for employees to report early symptoms of musculoskeletal disorders to prevent or minimize injury or disability through early medical treatment and ergonomic improvements.

REVIEWING RECORDS AND WORK TASKS

Employers must review records to determine if there is a pattern of ergonomic-related injuries or illness in jobs or job tasks, as long as the review does not disclose the identity of the injured or ill employees. The records must include: (1) employer workers' compensation injury records (which state law requires employers to maintain), (2) federal Occupational Safety and Health Act (OSHA) log forms, (3) first aid logs, and (4) records of employee complaints and grievances.

Employers must also review jobs and work tasks to determine if they present ergonomic risks that contribute to musculoskeletal disorders.

EMPLOYEE INPUT

The bill requires employers to seek employee input about ergonomics problems related to work activities by (1) reviewing employee complaints about work-related musculoskeletal disorders, (2) interviewing employees, (3) conducting symptom surveys, or (4) distributing employee questionnaires.

INJURY RATE

The bill's requirements apply to employers with fewer than 25 employees only if the employer's work-related injury and illness rate exceeds the average incidence rate of all industries in the state. The incidence rate means the number of OSHA-recorded injuries and illnesses per 100 full-time employees.

BACKGROUND

Ergonomics

Ergonomics is the applied study of workplace and equipment design intended to reduce worker discomfort, illness, and injury. It is not defined in statute.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 7 Nay 3